

REMARKS/ARGUMENTS

This Amendment is filed in response to a first Official Action for a Request for Continued Examination (RCE) for the above-identified patent application. The first Official Action of this RCE continues to reject all of the pending claims, namely Claims 1-15, 17-34, 36-48, 50-59, 61 and 62, under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0173295 to Nykanen et al. As explained below, Applicants again respectfully submit that the claimed invention is patentably distinct from Nykanen, and accordingly traverse the rejection of the claims as being anticipated thereby. Nonetheless, Applicants have amended various ones of the claims to further clarify the claimed invention, including amending independent Claims 1, 20, 40 and 52 to include the subject matter of dependent Claims 17, 36, 50 and 61, respectively, and deleting dependent Claims 17, 36, 50 and 61. In view of the amendments to the claims and the remarks presented below, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

According to one claimed aspect of the present invention, as recited by amended independent Claim 1, a mobile station is recited for managing context-related information. As recited, the mobile station includes a context engine and a communication manager. The context engine is configured for storing context-related information, the context-related information having been created based upon at least a portion of one or more conditions (e.g., sensor readings). In this regard, the context engine is also configured for managing an exchange of the context-related information with one or more context consumers. In turn, then, the communication manager is configured for communicating with one or more context consumers for receiving one or more context rules and exchanging context-related information, with one or more of those context consumer(s) being located external to the mobile station. In this regard, the context rule(s) include one or more conditions relating to at least a portion of context-related information, and further include one or more actions to be performed when the respective condition(s) is satisfied. The mobile station further includes a script engine configured for executing at least a portion of one or more context rules, including performing at least a portion of respective action(s), when at least a portion of the respective condition(s) is satisfied.

In contrast to the claimed invention, Nykanen does not teach or suggest a mobile station including a communication manager configured to receive context rule(s) including condition(s) relating to context-related information, and one or more actions to be performed when the respective condition(s) is satisfied; and a script engine configured to execute context rule(s), including performing at least a portion of respective action(s) when respective condition(s) are satisfied. In previous Official Actions, Applicants respectfully submit that Nykanen has been repeatedly misconstrued in asserting that various passages therein disclose the claimed feature of a script engine executing context rule(s) when condition(s) within those context rule(s) are satisfied, multiple interpretations of Nykanen being provided for allegedly disclosing those features. And now in the first Official Action of this RCE, yet another interpretation of Nykanen is provided for allegedly disclosing those features. Even still, Applicants maintain that even the newly-cited passages of Nykanen do not teach or suggest the claimed invention.

In the first Official Action of this RCE, it is noted that Nykanen discloses that the context inference engine may determine the current context of a wireless device not only based on sensor information, but also based on information from one or more application programs. Even under this interpretation, however, Nykanen still does not teach or suggest receiving or executing context rule(s) including condition(s) related to context-related information and actions to be performed when the condition(s) are satisfied, the rule(s) being executed (including performing at least a portion of respective action(s)) when respective condition(s) are satisfied, as in the claimed invention. As previously explained, one could argue that the context result of Nykanen corresponds to the recited context-related information, and that the sensor reading(s) of Nykanen correspond to the recited conditions from which the context-related information has been created. Then, considering the new interpretation of Nykanen proffered in the first Official Action, one could further argue that the application-program information (from which a context result may also be created) also corresponds to the recited conditions. Thus, while one could argue that Nykanen discloses creating context-related information not only based on one or more conditions (sensor readings and/or application-program information), Nykanen still does not teach or suggest receiving a context rule including condition(s) and action(s) to be performed when the condition(s) is satisfied, and executing the context rule (including performing the

Appl. No.: 10/817,401
Amdt. dated April 11, 2007
Reply to Official Action of December 14, 2006

action(s)) when the condition(s) is satisfied, similar to the claimed invention.

For at least the foregoing reasons, Applicants respectfully submits that amended independent Claim 1, and by dependency Claims 2-15, 18 and 19, is patentably distinct from Nykanen. Applicants also respectfully submit that amended independent Claims 20, 40 and 52 recite subject matter similar to amended independent Claim 1, including the aforementioned communication manager and script engine features of receiving context rule(s) and executing those rule(s) when condition(s) within those context rule(s) are satisfied. Accordingly, Applicants respectfully submit that amended independent Claims 20, 40 and 52, and by dependency Claims 21-34, 37-39, 41-48, 51, 53-59 and 62, are also patentably distinct from Nykanen for at least the same reasons given above with respect to independent Claim 1. Applicants therefore respectfully submit that the rejection of Claims 1-15, 17-34, 36-48, 50-59, 61 and 62 under 35 U.S.C. § 102(e) as being anticipated by Nykanen is overcome.

Appl. No.: 10/817,401
Amdt. dated April 11, 2007
Reply to Official Action of December 14, 2006

CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence
Registration No. 45,699

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON April 11, 2007 .

LEGAL02/30325469v1